

OFFICIAL FILE

ORIGINAL

ILLINOIS COMMERCE COMMISSION
IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

EARL JEROME MALRY)
Plaintiff)
ILLINOIS COMMERCE COMMISSION)
an agency of the State of Illinois)
Peoples Gas and Coke Company)
aka Peoples Energy Defendants)

NO:

05CH 11105

COMPLAINT FOR REVIEW OF ADMINISTRATIVE DECISION

NOW COMES the Plaintiff, Earl Jerome Malry by and through his attorney,
Rosemary Triplett, and complaining of Defendant, Illinois Commerce Commission,
states as follows:

1. On June 7, 2005, an administrative decision was rendered by the Illinois Commerce Commission, defendant, in a case then pending before it, entitled 04-0577 and 04-0578.
2. The decision adversely affects the rights of plaintiff, a party of record in the proceeding. A copy of the decision was served on plaintiff on June 7, 2005.
3. That the decision was a final decision, terminating the proceeding before the Illinois Commerce Commission.
4. Peoples Gas Light and Coke Company aka Peoples Energy were parties of record in the proceeding and are therefore make defendants in this action and are therefore made defendants in this action.
5. Plaintiff desires a judicial review of the decision. A copy of the decision is

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ILLINOIS COMMERCE COMMISSION

attached as Exhibit A and made a part of this complaint.

6. The decision is contrary to and in against the manifest weight of the evidence.

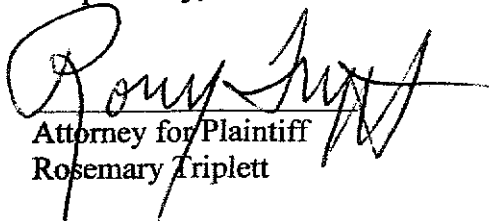
The Illinois Commerce Commission alleges that the petition for rehearing was untimely this is contrary to its own rules of practice Section 200.80 Second Commission erroneously state in the Order that "the petition does not present an argument not previously made in the exceptions or any sufficient basis to warrant rehearing.

the petition for re-hearing was untimely file, this untrue. Pursuant to the

7. The Illinois Commerce Commission, the administrative agency, defendant, is requested to file an answer consisting of the record of proceedings had before it pertaining to the entry of the decision of which plaintiff seeks a judicial review. The following must be filed by the administrative agency as part of the record: entire transcript of evidence, including exhibits.

Plaintiff requests that the record be judicially reviewed and that the decision be reversed and that the plaintiff be granted other and further relief is entitled under the law.

Respectfully, submitted


Attorney for Plaintiff
Rosemary Triplett

#31747
Rosemary A. Triplett
P.O. Box 23501
Chicago, Illinois 60623
(773) 521-3115

June 7, 2005

E. Jerome Malry

-vs-

Peoples Gas Light and Coke Company

04-0577

Complaint as to improper accounting of
services request for an audit and investigation
for service at 4344 North Claredon Avenue,
Chicago, Illinois.

E. Jerome Malry
Garden Suite
4346 N. Clarendon Ave.
Chicago, IL 60613-1576

Rosemary A. Triplett
Atty. for Complainant
Attorney at Law
PO Box 23501
Chicago, IL 60623

Katherine A. Donofrio
Senior Vice President
Peoples Gas Light and Coke Company
130 E. Randolph Dr., 22nd Fl.
Chicago, IL 60601

Erin L. Ziaja & Greta Weathersby
Attys. for Peoples Gas Light and Coke Company
McGuire Woods LLP
77 W. Wacker Dr., Ste. 4100
Chicago, IL 60601-1681

CERTIFICATE OF COMMISSION ACTION

Dear Sir/Madam:

This is to certify that the Commission in conference on June 7, 2005, DENIED the Application for Rehearing, filed on behalf of complainant, E. Jerome Malry on May 23, 2005.

Related memoranda will be available on our web site (eweb.icc.state.il.us/e-docket) in the docket number referenced above.

Chief Clerk

EAR:cp
Administrative Law Judge Brodsky

Docket No.: 04-0577
R.O.M.: 6/7/05
Deadline: 6/12/05

MEMORANDUM

TO: The Commission
FROM: Ian Brodsky, Administrative Law Judge
DATE: May 31, 2005
SUBJECT: E. Jerome Malry
-vs-
Peoples Gas Light and Coke Company

Complaint as to improper accounting of services; request for an audit and investigation for service at 4344 North Claredon Avenue, Chicago, Illinois.

RECOMMENDATION: Deny rehearing.

On April 20, 2005, the Commission entered an Order dismissing Mr. Malry's complaint after he failed to respond to a motion to dismiss. At all times, Mr. Malry was represented by counsel.

On May 23, 2005, complainant filed a petition for rehearing. The petition was not timely filed. Even if the Commission chooses to consider the petition for its merits, it does not present an argument not previously made in the exceptions or any other sufficient basis to warrant rehearing.

IB:jt

June 7, 2005

E. Jerome Malry

-vs-

Peoples Gas Light and Coke Company

04-0578

Complaint as to improper accounting of
services, request for an audit and investigation
for service at 4230 South Michigan Avenue,
Chicago, Illinois.

E. Jerome Malry
Garden Suite
4346 N. Clarendon Ave.
Chicago, IL 60613-1576

Rosemary A. Triplett
Atty. for Complainant
Attorney at Law
PO Box 23501
Chicago, IL 60623

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Related memoranda will be available on our web site (eweb.icc.state.il.us/e-docket) in the docket number referenced above.

Chief Clerk

EAR:cp
Administrative Law Judge Brodsky

Docket No.: 04-0578
R.O.M.: 6/7/05
Deadline: 6/12/05

MEMORANDUM

TO: The Commission
FROM: Ian Brodsky, Administrative Law Judge
DATE: May 31, 2005
SUBJECT: E. Jerome Malry
-vs-
Peoples Gas Light and Coke Company

Complaint as to improper accounting of services, request for an audit and investigation for service at 4230 South Michigan Avenue, Chicago, Illinois.

RECOMMENDATION: Deny rehearing.

On April 20, 2005, the Commission entered an Order dismissing Mr. Malry's complaint after he failed to respond to a motion to dismiss. At all times, Mr. Malry was represented by counsel.

On May 23, 2005, complainant filed a petition for rehearing. The petition was not timely filed. Even if the Commission chooses to consider the petition for its merits, it does not present an argument not previously made in the exceptions or any other sufficient basis to warrant rehearing.

IB:jt

Joint Committee on Administrative Rules

ADMINISTRATIVE CODE

**TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER b: PROVISIONS APPLICABLE TO MORE THAN ONE KIND OF UTILITY
PART 200 RULES OF PRACTICE
SECTION 200.80 COMPUTATION OF TIME**

Section 200.80 Computation of Time

The time within which an act is to be done as provided in any rule or order promulgated by the Commission shall be computed by excluding the first day and including the last, unless the last day is Saturday or Sunday or is a holiday as defined or fixed in any statute now or hereafter in force in this State, and then it shall also be excluded. If the day succeeding such Saturday, Sunday or holiday is also a holiday or a Saturday or Sunday then such succeeding day shall also be excluded. [5 ILCS 70/1.11]

(Source: Amended at 24 Ill. Reg. 16019, effective October 15, 2000)